

Inquiries, Protests & Appeals

An important function of the Bureau of Land Management Cadastral Survey Program is to respond to all inquiries, protests and appeals of official Federal surveys performed in Utah. The following is provided as guidance on inquiries, protest and appeals procedures.

Any questions concerning an ongoing official survey may be directed to:

Bureau of Land Management
Utah State Office
Branch of Geographic Sciences
Cadastral Survey
440 West 200 South, Suite 500
Salt Lake City, Utah 84101-1345

It is advantageous to all parties to attempt to resolve potential survey problems before they escalate into an official protest. This action does not infringe on your rights to file a protest at a later date.

A **protest** is any objection raised by any person to any action proposed to be taken in any proceedings before the Bureau. (43 CFR 4.450-1 to 4). Should Cadastral Survey be unable to resolve those problems brought to their attention, you, the Protester, will be advised of the following administrative procedures that should be followed:

Formal protests are required to be made in writing to:

State Director (UT-910)
Bureau of Land Management
Utah State Office
440 West 200 South, Suite 500
Salt Lake City, Utah 84101-1345

1. The Protester shall state the legal description of the area covered by the protested survey.
2. The protest must contain a statement in clear and concise language of the facts constituting the grounds for the protest, as it relates to the particular survey.
3. The protest should contain the history of any land surveys and ownership entitlement as far as is known by the objector.
4. If known, the names and addresses of the adjoining land owners affected by the protest should be included.
5. The protest should be supported by documentary evidence. Diagrams are encouraged.

Utah State Office policy requires the acknowledged receipt of a protest within 10 working days. In the reply Cadastral Survey will:

1. Explain what their intentions are or what immediate actions will be taken, (i.e. research records, make field investigation, submit to the office section during review process, etc.).
2. State when a further reply can be expected.
3. If appropriate, state the procedures that will be followed.

The protest is either affirmed or denied by the State Director, and a written explanation is provided to the protester. If the protest is denied, the Protester is advised of the Appeals Procedure.

An **appeal** is an objection raised to any final decision of the Bureau by a person adversely affected by the decision. (43 CFR 4.410). The administrative process involved in an appeal is as follows:

1. An appeal must be filed within 30 days from the date of service of the protest denial letter. The Notice of Appeal is filed with the same BLM office with which the protest was made.
2. BLM will transmit the appeal and related case file to the Interior Board of Land Appeals, U.S. Department of the Interior.
3. The Appellant is also required to serve a copy of the Notice of Appeal on an appropriate Interior Solicitor as stated in 43 CFR 4.413.
4. There must be strict compliance with the regulations contained in Subpart E of 43 CFR 4.40 et. seq., (October 1, 1986), and the Appellant will have the burden of proving that an error was committed in the BLM survey.